

APR 03 2006**BOYKP103US****PATENT****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being faxed to 571-273-8300 on the date shown below to Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 4-3-06
David W. Grillo**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Sher (Karim) Sachedina

Examiner: Susanna M. Meinecke Diaz

Serial No: 09/634,723

Art Unit: 3623

Filing Date: August 5, 2000

Title: DATABASE MANAGEMENT SYSTEM TO FACILITATE BUDGETING AND
FORECASTING IN THE HOSPITALITY INDUSTRY

**Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

REPLY BRIEF

Dear Sir:

Appellant's representative submits this Reply Brief in response to the Examiner's Answer dated February 3, 2006. A Request for Oral Hearing and a credit card payment form are filed concurrently herewith, wherein the credit card payment form is believed to cover all fees due regarding this document and the Request for Oral Hearing. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [BOYKP103US].

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REMARKS

Claims 1, 3-8, 11, 16, 21-33 and 41-46 are currently pending and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein. In particular, the following comments address deficiencies contended in the Examiner's Answer to appellant's Appeal Brief.

I. Rejection of Claims 1, 3-5, 11, 16, 21-32, 41, and 44-46 Under 35 U.S.C. §102(e)

Claims 1, 3-5, 11, 16, 21-32, 41, and 44-46 stand rejected under 35 U.S.C. §102(e) as being anticipated by Groat, *et al.* (US 2001/0032155 A1). Reversal of this rejection is requested for at least the following reasons. Groat, *et al.* does not disclose, teach or suggest each and every aspect of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently *describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed subject matter relates to a database management system to facilitate budgeting and/or forecasting by, for example, analyzing *base data* in order to characterize the impacts various factors have upon an account, and adjusting the data accordingly in order to make the forecast. As an exemplary illustration, the subject invention can collect sales information as well as environmental and economic data that may have an impact upon facility performance as base data. (See page 15, ll. 14-21; page 8, lines 12-14). Thus, by comparing and/or analyzing the *base data*, the *impact* of certain factors, such as good weather versus bad weather, and/or the effects of a holiday or a nearby convention on store sales can be determined. (See page 31, lines 4-7). Finally, once the impact of certain factors (e.g., weather, holiday, conventions, ...) has been determined, this *impact value* can be applied to create adjusted data by applying the impact value to the base data. (See page 38, lines 3-14). For example, if it is known that a convention will be held near the facility next month and that the impact value of a

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convention is an increase in sales by a certain percentage, budgeting and/or forecasting in this way can be more accurate than merely making a forecast based upon previous sales data for a similar period. In particular, independent claim 1 recites, "a second user interface element characterizing *a method component used to derive base data* for the at least one account; a third user interface element characterizing an *impact value derived from the base data*, the *impact value adjusts the base data* to provide adjusted data for the at least one account." Independent claims 22 and 41 recite limitations that are, for the purposes of this Reply Brief, similar to independent claim 1. Groat, *et al.* does not disclose or suggest these novel features.

Groat, *et al.* relates generally to a financial status display system, and specifically to a system that provides visual representations of personal financial budgets. (See Fig. 1). In particular, Groat, *et al.* employs objects/icons to graphically illustrate the relationships between various financial parameters for a numeric system (see Abstract), *e.g.*, a visual model that can perform conventional spreadsheet operations and display the status of a budget. (See paragraphs 0008; Fig. 1). Despite the Examiner's assertions to the contrary, Groat, *et al.* fails on its face to disclose or suggest all the claimed aspects. Appellant's representative respectfully submits that one primary cause of this failure is holistic in that the Examiner is attempting to employ the teachings of a simple system for displaying visual representations of a numeric system for a household budget to represent much more complex features of appellant's claimed subject matter that can facilitate analysis and/or planning of business operations. Throughout prosecution, the Examiner has attempted numerous permutations of the elements disclosed in Groat, *et al.* to stand for the various features of the claimed subject matter. Yet in each case, the interpretation of Groat, *et al.* is insufficient, largely because the teachings of Groat, *et al.* do not get to the heart of the claimed subject matter, which is beyond the scope and spirit of the reference.

Most recently, at page 13 of the Examiner's Answer (dated February 3, 2006, hereinafter "EA"), the Examiner argues that Groat, *et al.* discloses, "a second user interface element characterizing *a method component used to derive base data* for the at least one account; a third user interface element characterizing an *impact value derived from the base data*, the *impact value adjusts the base data* to provide adjusted data for the at least one account." The Examiner outlines the analysis as follows:

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- method component = tax rate (*see* EA, pg. 13, ll. 6-10).
- base data = amount of taxes paid (*see* EA, pg. 13, ll. 10-12).
- impact value = net monthly income (*see* EA, pg. 13, ll. 15-19).

In essence, the Examiner argues that Groat, *et al.* discloses a second user interface element characterizing **a method component** (*i.e.*, tax rate) **used to derive base data** (*i.e.*, amount of taxes paid) for the at least one account; a third user interface element characterizing an **impact value** (*i.e.*, net monthly income) **derived from the base data** (*i.e.*, tax rate). While appellant's representative submits that such a broad reading of the claimed subject matter is inappropriate, the Examiner's analysis still fails to anticipate the subject claims. In particular, the Examiner has expressly relied upon the assumption that **base data** is the *amount of taxes paid* for the analysis above in order to reject a first portion of the claims, but independently argues that **base data** is the *bank account balance* (*see* EA, pg. 13, line 15-pg. 14, line 2) in order to reject a second portion of the claims.

For example, the Examiner has expressly assumed that base data = amount of taxes paid to suggest Groat, *et al.* teaches "a second user interface element characterizing **a method component used to derive base data** for the at least one account; a third user interface element characterizing an **impact value derived from the base data**..." However, the subject claims continue to recite, "the **impact value adjusts the base data** to provide adjusted data for the at least one account." Therefore, the Examiner's base assumptions yield the **impact value** (*i.e.*, net monthly income) **adjusts the base data** (*i.e.*, amount of taxes paid) to provide adjusted data for the at least one account. Yet, Groat, *et al.* does not teach or suggest that the net monthly income adjusts the amount of taxes paid. To the contrary, Groat, *et al.* discloses the opposite, *i.e.*, the amount of taxes paid adjusts the monthly income to yield net monthly income. (*See e.g.*, paragraphs 0039, 0058). Accordingly, Groat, *et al.* does not disclose or suggest "the **impact value adjusts the base data** to provide adjusted data for the at least one account." Hence, the Examiner's assumption that base data is the amount of taxes paid fails to provide for complete analysis that is consistent with Groat, *et al.*

Accordingly, in order to circumvent this shortcoming, the Examiner switches in midstream the definition of **base data** from the "amount of taxes paid" to the "bank account balance." (*See* EA, pg. 13, line 15-pg. 14, line 2). Such a substitution is impermissible because

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the amount of taxes paid is materially distinct from the bank account balance. Thus, either the first half of the Examiner's analysis (*e.g.*, where base data = amount of taxes paid) is invalid or the second half of the analysis (*e.g.*, where base data = bank account balance) is invalid because each scenario negates the assumptions of the other and are thus inconsistent when used together and/or incomplete if employed by themselves. For example, if base data = amount of taxes paid, then, as detailed above, Groat, *et al.* does not teach or suggest that the net monthly income adjusts the amount of taxes paid, but would instead teach the amount of taxes paid adjusts the net monthly income. Conversely, if base data = bank account balance, then Groat, *et al.* does not teach or suggest an *impact value* (*i.e.*, net monthly income) *derived from the base data* (*i.e.*, bank account balance) because Groat, *et al.* does not teach that net monthly income is derived from a bank account balance. Rather, Groat, *et al.* would again teach the opposite, *i.e.*, that the bank account balance is derived from the net monthly income because net monthly income flows into bank account balance. (See paragraph 0034; Fig 1, items 12, 22, 24). For at least the aforementioned reasons, this rejection of independent claims 1, 22 and 41 as well as all claims that depend there from should be reversed.

II. Rejection of Claims 6-8, 33, 42 and 43 Under 35 U.S.C. §103(a)

Claims 6-8, 33, 42 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Groat, *et al.* (US 2001/0032155 A1). This rejection should be reversed for at least the following reasons. Claims 6-8, 33, 42 and 43 depend directly or indirectly from independent claims 1, 22 and 41, respectively. Accordingly, claims 6-8, 33, 42 and 43 are allowable for at least the same reasons as independent claims 1, 22 and 41, and this rejection should be reversed.

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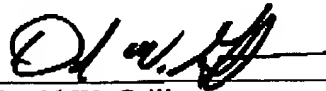
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III. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited reference. Accordingly, it is respectfully requested that the Examiner's rejections be reversed.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [BOYKP103US].

Respectfully submitted,
AMIN & TUROCY, LLP



David W. Grillo
Reg. No. 52,970

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731